



12-13-05

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Practitioner's Docket No. 1062-033

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Myron J. Maurer

Application No.: 10/799,095

Group No.: 3683

Filed: March 12, 2004

Examiner: Melanie Torres

For: IMPACT ABSORPTION STRUCTURE

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the Final Office Action of the Examiner, mailed August 12, 2005. The response submitted September 12, 2005 was entered for the purposes of appeal (see Advisory Action mailed September 28, 2005) leaving claims 1, 3-10, 13-29, 32 and 33 pending in the application.

Applicant submits herewith a Pre-Appeal Brief Request for Review under the procedure as set forth the July 12 2005 OG notice.

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

CERTIFICATION UNDER 37 C.F.R. ' ' 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

G deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

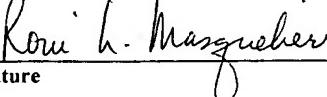
G with sufficient postage as first class mail.

37 C.F.R. § 1.10*

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TRANSMISSION

G facsimile transmitted to the Patent and Trademark Office, (703) _____.


Signature

Date: 12-12-05

Roni L. Masquelier
(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(j). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

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02 FC:1252

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Appeal Brief is:

| | |
|---------------------------|----------|
| Other than a small entity | \$500.00 |
| Notice of Appeal fee due | \$500.00 |

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for two months:

| | |
|------------|----------|
| Fee | \$450.00 |
|------------|----------|

If an additional extension of time is required, please consider this a petition therefor.

4. TOTAL FEE DUE

The total fee due is:

| | |
|----------------------|-----------------|
| Notice of Appeal fee | \$500.00 |
| Extension fee | \$450.00 |
| TOTAL FEE DUE | \$950.00 |

5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$950.00 to Deposit Account No. 04-1512.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 04-1512.

Date: December 12, 2005

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